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16 META PLATFORMS, INC., a Delaware
17 corporation,

18 Plaintiff /
19 Counterclaim
Defendant,

20 vs.

21 BRANDTOTAL LTD., an Israeli corporation, and
22 UNIMANIA, INC., a Delaware corporation,

23 Defendants /
24 Counterclaim
Plaintiffs.

25 Case No. 3:20-CV-07182-JCS

26 **DECLARATION OF MICHAEL
CHMELAR IN SUPPORT OF
DEFENDANTS' MOTION TO FILE
UNDER SEAL DEFENDANTS'
MOTION TO EXCLUDE CERTAIN
OPINIONS OF DR. PROWSE AND
DR. THAW AND EXHIBITS
THERETO**

27 Hon. Joseph C. Spero

1 I, Michael Chmelar, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of Illinois. I am Counsel for
3 Plaintiff Meta Platforms, Inc. (“Meta”). I have personal knowledge of the matters stated herein
4 and, if called upon, I could and would competently testify thereto.

5 2. Pursuant to Local Rule 79-5(f), I submit this Declaration in support of Defendants
6 BrandTotal Ltd. and Unimania, Inc. (“Defendants” or “BrandTotal”)’s Administrative Motion to
7 File Documents to Defendants’ Motion to Exclude Certain Opinions of Dr. Prowse and Dr. Thaw
8 Under Seal (“Motion to Exclude,” Dkt. 249) with respect to the documents that Defendants
9 identify as having been designated by Meta.

10 3. I work closely with Meta teams on a variety of legal matters, including
11 enforcement of Meta’s terms and policies. I am personally involved in the investigation and
12 enforcement of violations of Meta’s terms and policies.

13 4. Exhibit A to BrandTotal’s Motion to Exclude contains testimony and information
14 about Meta’s internal procedures for investigating and addressing scraping on Meta’s platforms.
15 The testimony contains information about software tools that Meta uses to examine and detect
16 extensions and applications that Meta suspects are scraping data from Meta’s platforms. This is
17 confidential information that is not available to the public. The release of this information would
18 harm Meta’s ability to safeguard its platforms against unauthorized access because it would
19 allow individuals evade Meta’s detection and investigation process and procedures. Exhibit A
20 also contains the salary information and names of individual investigators who worked on the
21 investigation of BrandTotal and its applications and extensions. This information is not public
22 and the employees have a personal interest in keeping their salary information private.

23 Therefore, the following parts of Exhibit A should be sealed:

- 24
- 25 • Line 5 of paragraph 22;
 - 26 • Between “extensions” in line 6 of paragraph 24 and “I understand” in line 7 of the
same paragraph;
 - 27 • The name in line 1 of paragraph 27;

- 1 • Between “an” in line 2 of paragraph 27 and “I understand” in line 3 of the same
2 paragraph;
- 3 • Between “employee that” in line 4 of paragraph 27 and “spent an estimated 80
4 hours” in line 7 of paragraph 27;
- 5 • The name in line 1 of paragraph 28;
- 6 • The name in line 1 of paragraph 29;
- 7 • Between “helped review” in line 2 of paragraph 29 and “I” in line 3 of the same
8 paragraph;
- 9 • Between “understand that” in line 4 of paragraph 29 and “to the investigation” in
10 the same line;
- 11 • The name in line 5 of paragraph 29;
- 12 • The name in line 1 of paragraph 30;
- 13 • The first full sentence of paragraph 31;
- 14 • The name in line 5 of paragraph 31;
- 15 • Line 7 of paragraph 31 after “created by BrandTotal.”;
- 16 • Between “Defendants’ accounts as part of its enforcement.” in line 9 of paragraph
17 31 and “in” in line 10 of the same paragraph;
- 18 • The name in line 1 of paragraph 32;
- 19 • Lines 2 and 3 of paragraph 32 up to “Between March” in line 3;
- 20 • Between “such a” in line 5 of paragraph 32 and “After October 2020 (until
21 August 2021)” in line 7 of the same paragraph;
- 22 • The rest of paragraph 32 after “After October 2020 (until August 2021)” in line 7;
- 23 • The name in line 1 of paragraph 33;
- 24 • Lines 2 and 3 of paragraph 33 up to “She worked ...” in line 3;
- 25 • The name in lines 1, 3, 7 of paragraph 34;
- 26 • The last two sentences of paragraph 35;
- 27 • The number in line 8 of paragraph 36;

- 1 • Between “. . . Mr. Clark that” in line 17 of paragraph 36 and “would have been”
2 in line 18 of the same paragraph;
- 3 • The last seven sentences of paragraph 37 except for the part “Specifically, Meta
4 contracted a vendor named” and the part “I understand that the team was
5 responsible for using”;
- 6 • All the names under the “Employee” column of “Exhibit 3 – Meta Incurred Costs
7 – Full TIME Employees”;
- 8 • All the numbers under the “Gross Wages” column of “Exhibit 3 – Meta Incurred
9 Costs – Full TIME Employees”;
- 10 • All the numbers under the “Implied Hourly Rate” column of “Exhibit 3 – Meta
11 Incurred Costs – Full TIME Employees”;
- 12 • All the numbers (except for the total number) under the “Salary Attributable to
13 Investigation” column of “Exhibit 3 – Meta Incurred Costs – Full TIME
14 Employees”;
- 15 • Footnote (a) in “Exhibit 3 – Meta Incurred Costs – Full TIME Employees”;
- 16 • All the numbers (except for the total number) under the “Hours” column of
17 “Exhibit 4 – Meta Incurred Costs – Contingent Workers”;
- 18 • All the numbers (except for the total number) under the “Total Cost Incurred”
19 column of “Exhibit 4 – Meta Incurred Costs – Contingent Workers”;

20 5. Subject to the above, Meta does not seek to seal the Motion to Exclude and

21 Exhibits C and K to BrandTotal’s Motion to Exclude.

22 6. Meta also does not seek to seal Exhibits B, E, and M to BrandTotal’s Motion to
23 Exclude. Meta previously designated these exhibits because they contain references to
24 BrandTotal’s source code and/or internal documents that BrandTotal has designated HIGHLY
25 CONFIDENTIAL – SOURCE CODE or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
26 ONLY in this case.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
2 3rd day of March, 2022 in Potomac, Maryland.

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Michael Chmelar

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(h), I hereby attest that the other signatories have concurred in this filing.

Dated: March 4, 2022

By: /s/ Sonal N. Mehta

Sonal N. Mehta